

Amendment

Applicant: Paul Lecoq
Serial No.: 09/892,201
Filing Date: June 26, 2001
Docket: K316.105.101
Title: PET SCANNER

REMARKS

Claims 1-30 and 35-40 are pending. By this Amendment, claims 31-34 are canceled, new claims 37-40 are added, and claim 16 is amended to overcome the claim objection set forth in the December 10, 2002 Office Action and not for reasons related to patentability. Applicant submits that the objection to claim 16 is overcome. Attention also is directed to the concurrently filed Petition for Extension of Time.

In response to the Restriction Requirement and Election of Species Requirement set forth in the December 10, 2002 Office Action, Applicant elects Group I and Species I B, with traverse. Claims 12-22, 25-26, 29-30 and 36-40 read on the elected species.

The Office Action indicates that Groups I, II, and III and IV are related as combination and subcombination, that Groups II and I are related as combination and subcombination, and that the corresponding restrictions are proper because claim 31 is an evidence claim. By this Amendment, claim 31 is canceled. Applicant submits, therefore, that the restrictions between these Groups are improper and should be withdrawn.

Additionally, regarding Groups II and I possibly being related as combination and subcombination, all of the combination (Group II) claims depend from the corresponding subcombination (Group I) claims. Therefore, by definition, the combination (dependent) claims include all of the features of their base subcombination (independent) claims. As one example, dependent Group II claims 2-4, because they all depend from independent Group I claim 1, all

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inherently include the features of independent claim 1. As presently claimed, therefore, the combination thus requires the particulars of the subcombination, and accordingly Applicant submits that the restriction between Groups II and I is improper and should be withdrawn.

The Office Action also states that Groups III and I are related as combination and subcombination, indicating that claim 1 is an evidence claim. However, claim 1 is included in Group I, the stated subcombination. Applicant submits that the $AB_{sp}/AB_{br}/B_{sp}$ relationship set forth in MPEP § 806.05(c) is not met. Accordingly, Applicant submits that the restriction between Groups III and I is improper and should be withdrawn. Alternatively, Applicant respectfully requests that the next communication from the Patent Office include a specific indication as to how the $AB_{sp}/AB_{br}/B_{sp}$ relationship is met.

The Office Action also indicates that Groups II and III are related as subcombinations useable together in a single combination. However, claims of Group III depend directly from claims of Group II. As one example, dependent Group III claims 5-7 depend from Group II claim 2. Accordingly, features of Group II claims are by definition included in claims of Group III. Applicant submits, therefore, that Groups II and III do not satisfy the criteria for subcombinations useable together set forth in MPEP § 806.05(d).

Finally, regarding both the restriction between claim groups and the election of species requirement, Applicant traverses both on the grounds that no serious burden on the examiner exists. If the search and examination of an entire application can be made without serious

Amendment

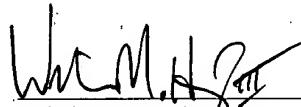
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burden, it must be examined on the merits even though it includes claims directed to distinct or independent inventions. MPEP § 803. The subject matter of Groups I-IV, and the subject matter of Species I A – IV B, are believed sufficiently related that a thorough search for the subject matter of any one group or species would encompass a search for the subject matter of all groups and species. To avoid duplicative examination by the Patent Office and unnecessary delay and expense to Applicant, Applicant respectfully requests examination on the merits of all claims.

The examiner is invited to telephone the undersigned to advance prosecution.

Respectfully submitted,

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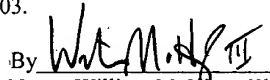


William M. Hienz III
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Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 500471.

CERTIFICATE UNDER 37 C.F.R. 1.8:

The undersigned hereby certifies that this paper or papers, as described herein, are being deposited in the United States Postal Service, as first class mail with sufficient postage, in an envelope addressed to Commissioner for Patents, Washington, D.C., 20231 on this 10th day of March, 2003.

By 

Name: William M. Hienz III

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APPENDIX

IN THE CLAIMS:

Claim 16 is amended as follows:

16. A camera or scanner as claimed in claim [12] 13, wherein an optical element is provided between each scintillation detector and its associated converting means, the optical element being such that light from the LuYAP is affected in one way and light from the other layer of the scintillation detector is affected in another way.